HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26990 of 2006

Dated:03.01.2007

Between:

Sri Sanjeev Kumar Jain and another.

…Petitioners

and

Govt. of A.P., and others.

…Respondents

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WRIT PETITION No.26990 of 2006

ORDER:

The petitioners allege that they purchased a plot bearing No.153 admeasuring about 500 square yards in Survey No.74/7 situated in the layout of M/s.Dhanalaxmi Cooperative Housing Society Limited, Mahindra Hills, Secunderabad, from one Sri Hari Narayan Rathi for a sale consideration under a sale deed dated 23.11.2006. The petitioners presented the same before the third respondent for registration. It is alleged by the petitioners that though the said sale deed was received for registration, it was kept as pending Document P.No.136/2006, aggrieved by which, the present Writ Petition is filed.

Though the Writ Petition was filed on 27.12.2006, on 28.12.2006 the matter was adjourned. However, yesterday, the learned Counsel for the petitioners made a mention, and as the matter is covered by number of judgments of this Court, the matter is listed today.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of

the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the third respondent or any other Registering Officer to accept the document presented by the petitioners and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioners have any grievance, they may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act. Be it also noted that in case the Government claims the land as belonging to them, it shall be open to them to avail appropriate remedy either before the Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, or by filing a declaration suit or by taking necessary action under the Andhra Pradesh Land Encroachment Act, 1905. No costs.

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(V.V.S.RAO, J)

03.01.2007
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